

1974

## c 166 The Waterloo-Wellington Airport Act, 1974

Ontario

© Queen's Printer for Ontario, 1974

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes](http://digitalcommons.osgoode.yorku.ca/ontario_statutes)

---

### Bibliographic Citation

*The Waterloo-Wellington Airport Act, 1974*, SO 1974, c 166

### Repository Citation

Ontario (1974) "c 166 The Waterloo-Wellington Airport Act, 1974," *Ontario: Annual Statutes*: Vol. 1974, Article 168.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1974/iss1/168](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1974/iss1/168)

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Annual Statutes by an authorized administrator of Osgoode Digital Commons.

## CHAPTER 166

**An Act respecting  
the Waterloo-Wellington Airport***Assented to April 26th, 1974*

**W**HEREAS The Corporation of the City of Guelph and <sup>Preamble</sup>  
The Regional Municipality of Waterloo hereby apply  
for special legislation in respect of the matters herein set  
forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "Airport" means the Waterloo-Wellington Airport;
- (b) "City" means The Corporation of the City of Guelph;
- (c) "Commission" means The Waterloo-Wellington Airport Commission;
- (d) "Regional Municipality" means The Regional Municipality of Waterloo.

**2.—(1)** The Agreement dated the 21st day of June, 1948, <sup>Agreements confirmed</sup>  
between The Corporation of the City of Kitchener, The Corporation of the City of Guelph, The Corporation of the City of Galt, The Corporation of the City of Waterloo and The Corporation of the Town of Preston, hereinafter called the 1948 agreement, set forth in Schedule A hereto, as modified by the agreement dated the 13th day of August, 1973, between The Corporation of the City of Kitchener, The Corporation of the City of Guelph, The Corporation of the City of Cambridge, The Corporation of the City of Waterloo and The Regional Municipality of Waterloo, hereinafter referred to as the 1973 agreement, set forth in Schedule B hereto and the last-mentioned agreement, are hereby ratified and confirmed and declared to be valid and binding upon the parties thereto and their successors.

Commission  
has power  
to hold  
land

(2) The Commission referred to in the 1948 agreement shall be deemed to have been a body corporate with power to acquire and hold land in its own name for airport purposes since its inception.

Disposition  
of proceeds  
of sale

(3) The proceeds of any sale of any of the lands referred in the 1973 agreement shall be disposed of as provided therein and the proceeds of any sale of any lands acquired after the 1973 agreement shall belong to the City and the Regional Municipality in proportion to their respective contribution to the cost thereof.

Further  
agreements

(4) The City and the Regional Municipality may make further agreements respecting the Airport, and may amend the 1973 agreement, provided, however, that no such agreement shall affect the rights of any other party to the 1973 agreement thereunder without the consent of such other party.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Waterloo-Wellington Airport Act, 1974*.

## SCHEDULE A

THIS AGREEMENT made this 21st day of June, A.D. 1948.

BETWEEN:

THE CORPORATION OF THE CITY OF KITCHENER,  
herein called "Kitchener"

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF GUELPH,  
herein called "Guelph"

OF THE SECOND PART,

THE CORPORATION OF THE CITY OF GALT,  
herein called "Galt"

OF THE THIRD PART,

THE CORPORATION OF THE CITY OF WATERLOO,  
herein called "Waterloo"

OF THE FOURTH PART,

— and —

THE CORPORATION OF THE TOWN OF PRESTON,  
herein called "Preston"

OF THE FIFTH PART.

WHEREAS paragraph number 34 of section 404 of *The Municipal Act*, R.S.O. 1937, Chapter 266, provides that by-laws may be passed by the councils of all municipalities for the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the "Air Regulations, 1920", as issued by the Air Board of the Dominion of Canada and such other regulations as may be issued from time to time by the said Air Board, and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft;

AND WHEREAS the said paragraph number 34 further provides that the councils of any two or more municipalities may enter into an agreement for the establishment of an air harbour and the joint exercise of all the powers and rights contained in such paragraph upon such terms as may be agreed and may entrust the control and management of any air harbour or landing ground so established to a commission appointed by such councils pursuant to agreement;

AND WHEREAS the parties hereto deem it advisable to establish an air harbour as hereinafter mentioned, to provide for the joint exercise in connection with such air harbour of all the powers and rights contained in such paragraph number 34 and to entrust the control and management of such air harbour to a commission appointed as hereinafter mentioned.

AND WHEREAS the Government of the Dominion of Canada has placed in departmental estimates for the fiscal year 1948-49 the sum of One Hundred Thousand Dollars (\$100,000.00), as the initial instalment of an



estimated expenditure of not less than Four Hundred and Sixty Thousand Dollars (\$460,000.00), which is to be expended by the said Government on the construction of such air harbour.

AND WHEREAS the parties hereto deem it advisable to provide for the acquisition of the land required for such air harbour and the construction of a hangar and an administration building thereon, the estimated cost of which is One Hundred and Twenty-Three Thousand Six Hundred Dollars (\$123,600.00).

NOW THEREFORE this Agreement witnesseth that the parties hereto, in consideration of the premises and the mutual covenants and agreements hereinafter contained and expressed, mutually covenant and agree as follows

1. The parties hereto shall establish an air harbour in the vicinity of Kossuth in the County of Waterloo and for such purpose shall acquire the land described in Schedule A hereunto annexed and construct a hangar and an administration building thereon. Such air harbour shall be established in compliance with the "Air Regulations, 1920", as issued by the Air Board of the Dominion of Canada and such other regulations as may have been heretofore issued or may be hereafter issued from time to time by the said Air Board.

2. Such air harbour shall be constructed in accordance with modern design and shall have three landing strips each of not less than 4300 feet in length including a hard surfaced runway of not less than 3700 feet in length on each of two of such landing strips.

3. The control and management of such air harbour is hereby entrusted to a commission to be known as "The Waterloo-Wellington Airport Commission", the members of such Commission to be appointed as follows: the Council of Kitchener shall appoint three members of such commission; the Council of Guelph shall appoint three members of such commission; the Council of Galt shall appoint three members of such commission; the Council of Waterloo shall appoint three members of such commission; the Council of Preston shall appoint two members of such commission; each member of such commission shall hold office for one year but shall continue in office until his successor is appointed and shall be eligible for reappointment.

4. From the cost of the land and buildings referred to in paragraph number 1 shall be deducted any grants or contributions made by municipalities other than the municipalities parties to this Agreement and the net cost shall be borne and paid by the parties hereto on a per capita basis; the population of each of the parties hereto shall be determined in accordance with the returns of the assessors of each of the parties hereto for the year 1947.

5. The Waterloo-Wellington Airport Commission shall have the right to acquire the land described in Schedule A hereunto annexed and construct a hangar and an administration building thereon and to obligate each of the parties hereto for its respective share of the cost thereof in accordance with the provisions of this Agreement but such Commission shall have no further right to obligate the parties hereto to the expenditure of further moneys and shall have no right to expend moneys other than such moneys as may be hereafter provided for the said Commission by the parties hereto, provided that such restriction shall not apply to moneys paid to such Commission by persons, corporations or governments other than the parties to this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals under the hands of their respective Mayors and Clerks.

CORPORATION OF THE CITY OF GUELPH

*Mayor*

*Clerk*

## SCHEDULE B

THIS AGREEMENT made this 13th day of August, A.D. 1973.

BETWEEN:

THE CORPORATION OF THE CITY OF KITCHENER,  
hereinafter called "Kitchener",

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF GUELPH,  
hereinafter called "Guelph",

OF THE SECOND PART,

THE CORPORATION OF THE CITY OF CAMBRIDGE,  
hereinafter called "Cambridge",

OF THE THIRD PART,

THE CORPORATION OF THE CITY OF WATERLOO,  
hereinafter called "Waterloo",

OF THE FOURTH PART,

THE REGIONAL MUNICIPALITY OF WATERLOO,  
hereinafter called "The Regional Municipality",

OF THE FIFTH PART.

WHEREAS by an agreement dated the 21st day of June, 1948, the Cities of Kitchener, Guelph, Galt and Waterloo and the Town of Preston agreed to establish an Airport.

WHEREAS the lands described in the Schedule hereto have been acquired and an Airport has been established thereon pursuant to said agreement and an agreement dated the 9th day of June, 1950 between His Majesty the King represented by the Minister of Transport, Canada and the said Cities and Town.

WHEREAS by *The Regional Municipality of Waterloo Act, 1972*, the Regional Municipality of Waterloo was created. The City of Galt and the Towns of Preston and Hespeler were amalgamated to form the City of Cambridge.

WHEREAS by section 27 of *The Regional Municipality of Waterloo Act, 1972*, the Region has the powers as are granted to local municipalities by paragraph 9 of section 352 of *The Municipal Act*.

WHEREAS the Cities of Cambridge, Kitchener and Waterloo desire to transfer their interest in the said Airport to the Regional Municipality of Waterloo on the terms and conditions herein set out.

WHEREAS Guelph joins herein for the purpose of concurring herein.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual covenants and agreements herein contained, the parties hereto covenant and agree as follows:

1. The Waterloo-Wellington Airport established pursuant to the agreements recited above shall be continued.

2.—(1) The Waterloo-Wellington Airport Commission shall be continued and the membership of the Commission shall be as follows:

- (a) Four members appointed by and who are members of the Council of the Regional Municipality of Waterloo;
- (b) Four members appointed by the Council of the Regional Municipality of Waterloo, who are not members of the Council;
- (c) One member appointed by and who is a member of the Council of the City of Guelph;
- (d) One member appointed by the Council of the City of Guelph who is not a member of the Council.

(2) Each member of the Commission shall hold office for one year and until his successor is appointed and, subject to those members who are required to be members of a Council continuing to be members thereof, shall be eligible for reappointment.

3. The Commission shall annually submit a budget to the Council of the City of Guelph and to the Council of The Regional Municipality of Waterloo and shall not expend any moneys not provided for in an approved budget, provided that until approval of the budget in each year operations may continue on the basis of the previous years budget extended on a *pro rata* basis.

4. The net cost of operating the Airport, after the deduction of revenues and any grants received from Canada, any Province or any municipality other than those who are a party to this agreement shall be divided between the City of Guelph and The Regional Municipality of Waterloo, on a *per capita* basis on the basis of the last annual census taken under *The Assessment Act*, provided that the population of The Regional Municipality for this purpose shall be deemed to be the sum of the populations of the Cities of Cambridge, Kitchener and Waterloo. The Region's share shall be apportioned among all the Area Municipalities of the Region in accordance with *The Regional Municipality of Waterloo Act, 1972*.

5. Subject to paragraph three above and to any lawful rules and regulations made by or by authority of any statute of Canada, the Commission shall have the control and management of the Airport.

6.—(1) The Cities of Cambridge, Kitchener and Waterloo transfer their respective interests in the Airport being the lands described in Schedule A, to The Regional Municipality of Waterloo.

(2) Notwithstanding subsection (1):

- (a) If the revenues received from the rental of any part of the lands for purposes which are not directly related to the use of the Airport as such exceed one thousand dollars in any year, such excess shall not be credited against the budget but shall be divided amongst the cities in the proportion set out in sub-paragraph (6) below;
- (b) none of the lands shall be sold without the concurrence of at least two of Cambridge, Kitchener and Waterloo;
- (c) the proceeds of any sale of the lands or part thereof shall be divided amongst the four cities in the proportion set out in sub-paragraph (6) below.



(3) Notwithstanding clause (b) of subparagraph (2) above the Airport may be sold by Guelph and the Region as a going concern to Her Majesty the Queen in the right of Canada at its then current market value, subject to adjustment for any capital grants made by Her Majesty.

(4) If the use of the lands as an Airport is discontinued:

(a) the Region and Guelph may make such use of the lands as is approved by Guelph and any two of the other cities, on such terms as may be agreed on; or

(b) Guelph and the Region, subject to the concurrence of at least two of the other cities may sell the lands; or,

(c) in default of agreement as to use or sale, the Region shall return the interests of Cambridge, Kitchener and Waterloo to them.

(5) Any party to this agreement may be a bidder or purchaser in any sale of the lands or any part thereof other than a sale to Her Majesty under subparagraph (3) above.

(6) For the purposes of subparagraph (2) above the equities of the parties shall be as follows:

GUELPH	23.80 per cent
CAMBRIDGE	23.32 per cent
KITCHENER	40.91 per cent
WATERLOO	11.97 per cent

7. This agreement supersedes the agreement referred to in the first recital.

8. This Agreement is subject to the Agreement with His Majesty the King, recited above.

This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors, administrators and assigns.

IN WITNESS WHEREOF the Corporations and the Region have caused this Agreement to be executed by the affixing of their Corporate Seals attested by the signatures of their proper officers, duly authorized in that behalf.

SIGNED, SEALED AND  
DELIVERED:  
in the presence of:

THE CORPORATION OF THE CITY OF KITCHENER

Per:

*Mayor*

Per:

*Clerk*

THE CORPORATION OF THE CITY OF GUELPH

Per:

*Mayor*

Per:

*Clerk*

## THE CORPORATION OF THE CITY OF CAMBRIDGE

Per:

*Mayor*

Per:

*Deputy Clerk*

## THE CORPORATION OF THE CITY OF WATERLOO

Per:

*Mayor*

Per:

*Clerk*

## THE REGIONAL MUNICIPALITY OF WATERLOO

Per:

*Chairman*

Per:

*Clerk*

*SCHEDULE A*

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being in the Township of Woolwich, in the Regional Municipality of Waterloo (formerly in the Township of Waterloo in the County of Waterloo) and Province of Ontario more particularly described as follows:

FIRSTLY: The whole of Lots 5, 7, 8, 9 and 10 in a Plan of Subdivision of Part of Lot 110 of the German Company Tract of the said Township of Waterloo made for William Moyer, Esq. and dated the 18th day of August, 1863.

SECONDLY: Part of Lot 6 in a Plan of Subdivision of Part of Lot 110 of the German Company Tract of the said Township of Waterloo made for William Moyer, Esq. and dated the 18th day of August, 1863, as described in deed registered on the 10th day of February, 1950 in the Registry Office for the Registry Division of Waterloo North (58) as Number 42466.

THIRDLY: Parts of Lots 102, 103, 110, 111 and 126 in the Upper Block of the German Company Tract as described in deeds registered in the Registry Office for the Registry Division of Waterloo (now of record in the Registry Office for the Registry Division of Waterloo North (58) as Numbers 40098, 40237, 40994, 40995, 41355, 41484, 41529, 41629, 42466, 43233 and 45475.